

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARTIN B. YSASSI, §
§
v. § C.A. NO. C-08-016
§
UNITED STATES OF AMERICA, ET AL. §

OPINION AND ORDER OF TRANSFER

This is a habeas action filed by a federal prisoner pursuant to 28 U.S.C. § 2241. He is being held at the Harris County Jail, which is located in Houston, Texas.

Petitioner is challenging disciplinary proceedings that occurred while he was in custody at a federal half-way house. (D.E. 7). He claims that Mr. Rollins, the half-way house director, and Mrs. Hawkins, a case manager, initiated a disciplinary case against him for violating a half-way house rule by possessing a pocket knife. Id. at 3. Moreover, he claims that Mrs. Hawkins and Mrs. Jolin, another case manager, filed an incident report against him for violating half-way house rules. Id. at 4. He alleges that he was arrested and taken to the Harris County Jail without any hearing. Id. He asserts that he was found guilty of the charge without any hearing. Id. at 5. He is seeking the return of the good-time credit that he lost.

A habeas action may be filed either in the district where petitioner is in custody, or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959, 960-61 (5th Cir. 2000). A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same State, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1333(b). In addition, a district court for the district wherein an application for habeas corpus has been filed may, in its discretion

and in the furtherance of justice, transfer the petition to a more appropriate district or division for disposition. See 28 U.S.C. § 1404(a).

Petitioner challenges a disciplinary proceeding from his custody in a Houston federal half-way house, (D.E. 7), which is located in the Houston Division of the Southern District of Texas. See 28 U.S.C. § 124(b)(2). Should an evidentiary hearing ever be necessary in this case, the evidence and any witnesses concerning the petitioner's disciplinary proceedings are more likely to be found in the county where it occurred.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Houston Division.

ORDERED this 5th day of February 2008.


JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE